

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

EDWARD A. BERMAN, on behalf of)	
himself and all others similarly situated,)	
)	Case No. 08 C 325
Plaintiff,)	
)	Judge Amy J. St. Eve
v.)	
)	Magistrate Judge Morton Denlow
IMNY, CHICAGO, LLC d/b/a Il Mulino,)	
)	
Defendant.)	

STATUS REPORT

Plaintiff EDWARD A. BERMAN, by his attorneys, submits this status report pursuant to this Court's minute entry of January 18, 2008.

1. The Nature of the Case

A. The attorneys of record for each party are as follows:

For the Plaintiff Edward A. Berman:

Terrence Buehler (lead trial attorney)
Jeffrey J. Halldin
BUEHLER & WILLIAMS
161 North Clark Street
Suite 2210
Chicago, Illinois 60601
(312) 372-2209

For the Defendant IMNY, Chicago, LLC d/b/a Il Mulino:

No appearance filed. Plaintiff amended his complaint as of right on February 1, 2008 to drop a party and add IMNY, Chicago, LLC. The first amended complaint and summons were served on February 13, 2008, so Defendant's appearance and response is due March 4, 2008.

B. The basis for federal jurisdiction is that this action arises under the laws of the United States, namely the Fair Credit Reporting Act as amended by the Fair and Accurate Credit Transactions Act ("FACTA"), 15 U.S.C. § 1681c.

C. Plaintiff alleges that Defendant violated FACTA by printing receipts that include both the last four numbers of its customers' credit and debit cards and their expiration dates.

D. The major legal and factual issues in this case are whether FACTA prohibited Defendant from printing receipts that include the expiration date of its customers' credit card or debit card, whether a class should be certified, the amount of statutory damages, and the amount of punitive damages (if any).

E. The relief sought by the Plaintiff is as follows:

- An injunction prohibiting Defendant from printing receipts that include more than the last five digits of its customers' credit card or debit card number and the expiration date of its customers' credit card or debit card;
- Statutory damages of \$100 to \$1,000 for each of Defendant's violations;
- Punitive damages if appropriate; and
- Attorneys' fees and costs.

2. Pending Motions and Case Plan

A. No motions are currently pending.

B. Plaintiff proposes the following discovery plan:

- a. The types of discovery needed are as follows: Plaintiff will need documents and information relating to Defendant's credit and debit card processing equipment and information relating to the putative class.
- b. Rule 26(a)(1) disclosures shall be exchanged by March 18, 2008.
- c. Fact discovery shall be completed by July 22, 2008.
- d. Expert discovery shall be completed by October 22, 2008. Plaintiff's expert reports shall be delivered by August 22, 2008. Defendant's expert reports shall be delivered by September 22, 2008.
- e. All dispositive motions shall be filed by November 22, 2008.
- f. A final pretrial order shall be filed by January 22, 2009.

C. With respect to trial, Plaintiff represents as follows:

- a. A jury trial is not requested.
- b. The probable length of trial is one (1) day.
- c. The case will be ready for trial by January 29, 2008.

3. Consent to Proceed Before a Magistrate Judge

The parties will advise the Court as to whether they unanimously consent to proceed before a Magistrate Judge after the Defendant appears.

4. Status of Settlement Discussions

A. Settlement discussions have not occurred.

B. n/a

C. The parties will advise the Court as to whether they request a settlement conference after the Defendant appears.

Dated: February 21, 2008

Respectfully submitted,

EDWARD A. BERMAN, on behalf of himself and
all others similarly situated, Plaintiff

By: /s/ Jeffrey J. Halldin
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SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

The undersigned hereby certifies that on February 21, 2008 he caused the foregoing document to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, by using its Electronic Case Filing System which will send a Notice of Electronic Filing to the following Filing Users:

No appearances on file

The undersigned also certifies that on the above date he caused the foregoing document to be mailed by United States Postal Service to the following non-Filing Users:

Not Applicable

/s/ Jeffrey J. Halldin

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